UNITED STATES DISTRICT COURT DISTRICT OF NEVADA CTC REAL ESTATE SERVICES, 2:04-CV-00867-PMP-LRL Plaintiff, **ORDER** VS. JIMMIE W. SILVAS, et al., Defendants.

On January 13, 2005, the Court entered an Order directing the distribution of portions of excess proceeds of \$30,826.56 deposited by Plaintiff CTC Real Estate Services on June 22, 2004. (Doc. #17). That Order provided that the remaining balance of the excess proceeds, in the amount of \$12,258.26, was to remain on deposit with the Clerk of Court pending any further adjudication of entitlement thereto.

On February 29, 2012, the Court entered a Minute Order directing that the balance of said funds be disbursed to the "rightful owner." However, it appears that Order was improvident, as the record does not indicate to whom the remaining funds should be disbursed. The Clerk of Court has understandably requested direction regarding this matter.

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IT IS THEREFORE ORDERED that any Party to this action who takes the position that it is entitled to any or all of the excess proceeds on deposit with the Clerk of Court in this case shall, not later than <u>Tuesday</u>, <u>May 1, 2012</u> file in this case their motion for disbursement of the balance of the excess funds on deposit, or such portion thereof to which they contend they are entitled.

IT IS FURTHER ORDERED that in the event no Party to this action files a motion claiming entitlement to any or all of the excess funds on deposit, the Court will proceed to disburse the funds in accord with the *Cy-Pres Doctrine*. DATED: March 2, 2012.

PHILIP M. PRO

United States District Judge

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